

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Anita E. Castillo**  
Debtor(s)

Bankruptcy Case No.: 18-23689-GLT  
Issued Per 4/18/2019 Proceeding  
Chapter: 13  
Docket No.: 28 - 7  
Concil. Conf.: April 18, 2019 at 09:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 18, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Apr. 18, 2019 at 09:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim(s) of the following Creditor(s) shall govern as to claim amount, to be paid at the modified plan terms: Claim No. 9 of BNY Mellon with no further payments on escrow and prior payments are proper., Claim No. 4 of Toyota Motor credit.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge  
United States Bankruptcy Court

Dated: April 18, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Anita E. Castillo  
 Debtor

Case No. 18-23689-GLT  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dbas  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 20

Date Rcvd: Apr 18, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 20, 2019.

db  
 14917211 +Anita E. Castillo, 316 Broadway Avenue, Mc Kees Rocks, PA 15136-3002  
 14955761 +Citibank Sears, P.O. Box 6282, Sioux Falls, SD 57117-6282  
 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,  
 Kirkland, WA 98083-0657  
 14917213 +Home Depot, P.O. Box 6497, Sioux Falls, SD 57117-6497  
 14917214 Lendmark, 6538 Steubenville Pike, Mc Kees Rocks, PA 15136  
 14917216 +Macy's, 9111 Duke Boulevard, Mason, OH 45040-8999  
 14917217 +Ocwen Federal Bank, Attn: Bankruptcy Department, 1661 Worthington Road, Suite 100,  
 West Palm Beach, FL 33409-6493  
 14917218 +One Main Bank, PO Box 1010, Evansville, IN 47706-1010  
 14945784 +TD Retail Card Services, c/o Creditors Bankruptcy Service, P.O. Box 800849,  
 Dallas, TX 75380-0849  
 14917219 +TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
 (address filed with court: Toyota Financial Services, P.O. Box 2958, Torrance, CA 90509)  
 14954873 The Bank of New York Mellon,, et.al., OCWEN LOAN SERVICING, LLC,  
 Attn: Bankruptcy Department, P.O. BOX 24605, WEST PALM BEACH FL 33416-4605  
 14931219 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14918976 +E-mail/Text: bankruptcy@cavps.com Apr 19 2019 02:21:07 Cavalry SPV I, LLC,  
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321  
 14917212 E-mail/Text: mrdiscen@discover.com Apr 19 2019 02:20:23 Discover, P.O. Box 3025,  
 New Albany, OH 43054-3025  
 14923209 E-mail/Text: mrdiscen@discover.com Apr 19 2019 02:20:23 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 14952080 +E-mail/Text: kbarkley@bernsteinlaw.com Apr 19 2019 02:21:20 Duquesne Light Company,  
 c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,  
 Pittsburgh, PA 15219-1945  
 14925317 E-mail/Text: ktramble@lendmarkfinancial.com Apr 19 2019 02:20:17  
 Lendmark Financial Services LLC, Attn: Bankruptcy Dept., 2118 Usher Street NW,  
 Covington, Georgia 30014  
 14931579 E-mail/PDF: cbp@onemainfinancial.com Apr 19 2019 02:17:30 ONEMAIN, P.O. BOX 3251,  
 EVANSVILLE, IN 47731-3251  
 14917802 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Apr 19 2019 02:17:50  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14949931 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Apr 19 2019 02:28:37 Verizon,  
 by American InfoSource as agent, PO Box 248838, Oklahoma City, OK 73124-8838  
 TOTAL: 8

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr THE BANK OF NEW YORK MELLON, et.al.  
 cr Toyota Motor Credit Corporation  
 14917215 Littman Jewelers  
 cr\* +Duquesne Light Company, c/o Bernstein-Barkley, P.C.,  
 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945  
 cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 3, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 20, 2019

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: dbas  
Form ID: 149

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Total Noticed: 20

Date Rcvd: Apr 18, 2019

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 18, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com  
Jodi L. Hause on behalf of Creditor THE BANK OF NEW YORK MELLON, et.al.  
jodi.hause@phelanhallinan.com, pawb@fedphe.com  
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,  
jbluemle@bernsteinlaw.com  
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
Shawn N. Wright on behalf of Debtor Anita E. Castillo shawn@shawnwrightlaw.com,  
wrightshawn@hotmail.com/wrightshawn49@gmail.com/wrightshawnecf@gmail.com/audrey@shawnwrightlaw.co  
m  
Thomas Song on behalf of Creditor THE BANK OF NEW YORK MELLON, et.al. pawb@fedphe.com  
TOTAL: 7